



Proposal to Remove the Louisiana Black Bear From the Federal List of Endangered and Threatened Wildlife



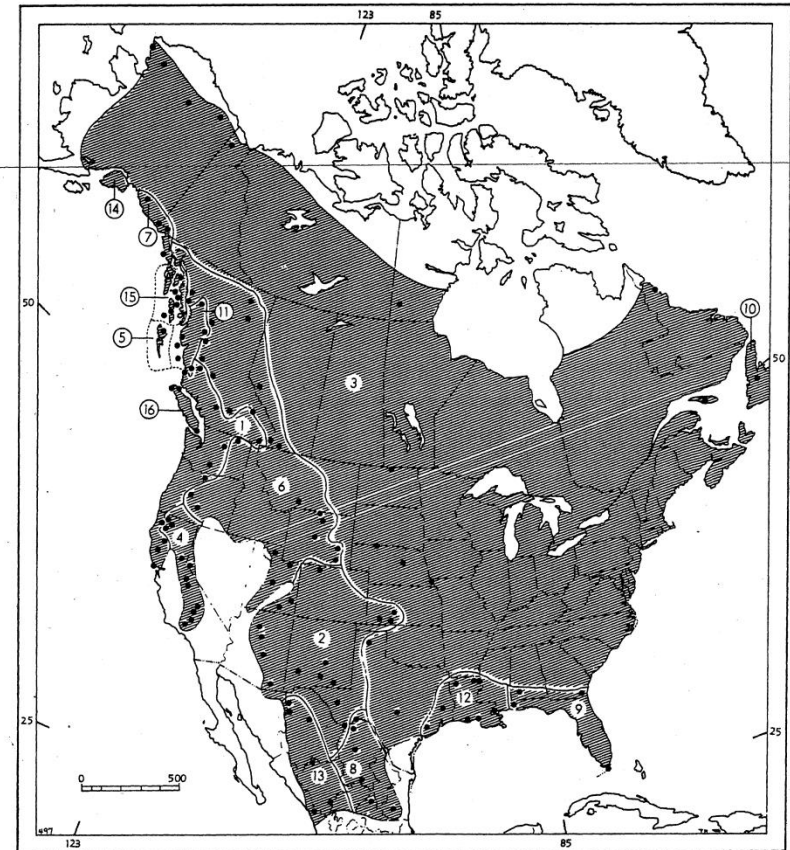
Proposed rule published: May 21, 2015 (80 FR 29394)

Louisiana Black Bear



950

MAMMALS OF NORTH AMERICA



Map 497. *Ursus americanus*.

- | | | | |
|--------------------------------|----------------------------|----------------------------|-----------------------------|
| 1. <i>U. a. altifrontalis</i> | 5. <i>U. a. carlottae</i> | 9. <i>U. a. floridanus</i> | 13. <i>U. a. machetes</i> |
| 2. <i>U. a. amblyceps</i> | 6. <i>U. a. cinnamomum</i> | 10. <i>U. a. hamiltoni</i> | 14. <i>U. a. perniger</i> |
| 3. <i>U. a. americanus</i> | 7. <i>U. a. emmonsii</i> | 11. <i>U. a. kermodei</i> | 15. <i>U. a. pugnax</i> |
| 4. <i>U. a. californiensis</i> | 8. <i>U. a. eremicus</i> | 12. <i>U. a. luteolus</i> | 16. <i>U. a. vancouveri</i> |

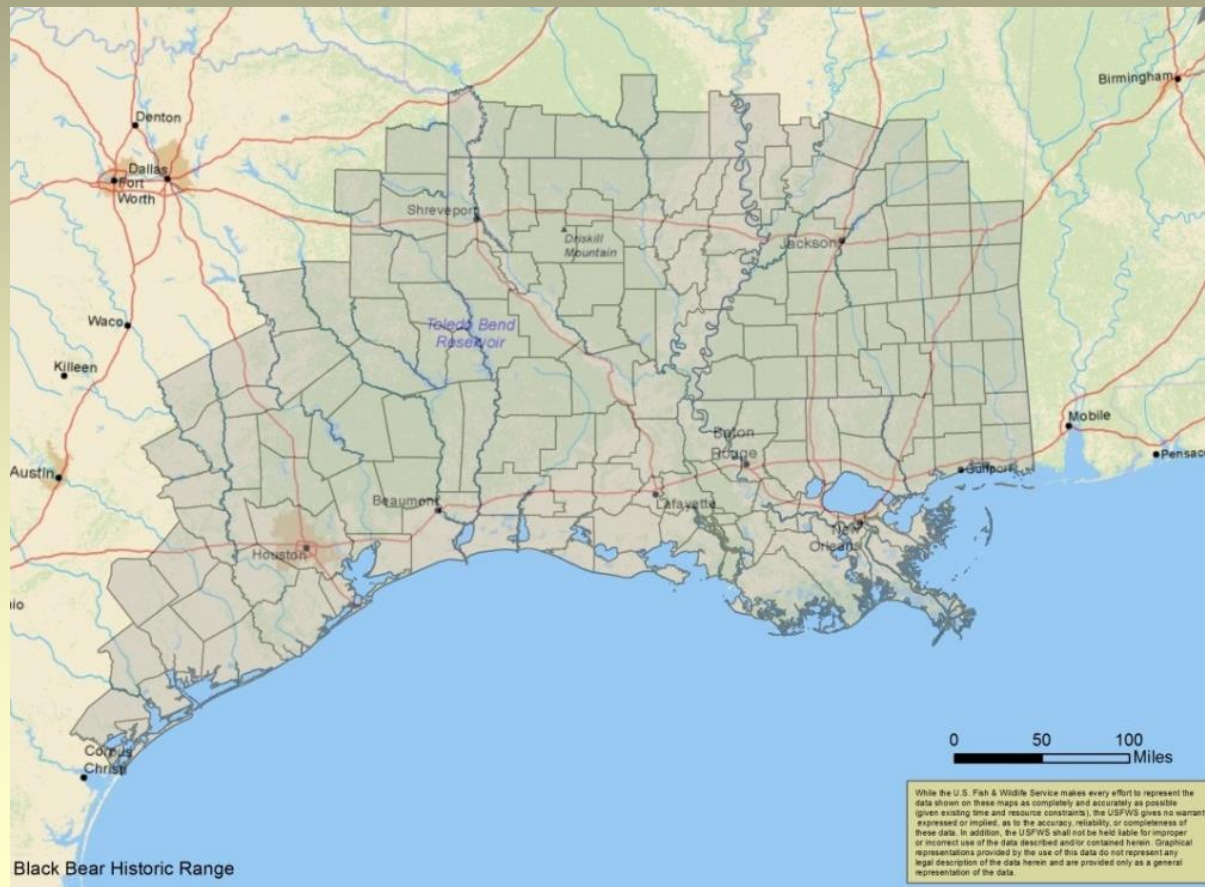
MARGINAL RECORDS.—Alabama: Carlton. Georgia: Okefinokee Swamp, thence throughout Florida: including Keys as far SW as Matecumbes (Layne, 1974:395). Alabama: near Bayou Labatre.

Ursus americanus hamiltoni Cameron
1957. *Ursus americanus hamiltoni* Cameron, Jour. Mamm., 37:538, January 9, type from Big Falls, Humber River, Newfoundland. Known only from Island of Newfoundland.

Hall 1981

Listed Under the ESA as Threatened -1992 (57 FR 588)

*Listed within its historic range –
southern Mississippi, Louisiana, and east Texas*



Why was the Louisiana black bear Listed in 1992?

Our analysis identified primarily one of the five factors were impacting the bear:

*Factor A – Habitat loss, modification, and fragmentation
(quantity and quality, both historic and future threat)*



*Other free-living bears (*U. americanus*) within the historic range were designated as threatened due to similarity of appearance.*

Recovery *Section 4*

Once a species is listed, we begin the process of working to recover it by working with partners to improve the species status, and remove or reduce threats to the species to a point where it no longer requires ESA protection.

Recovery is guided by a Recovery Plan (non-regulatory).

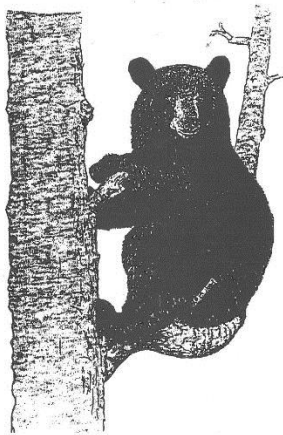
- Developed with stakeholders
- Identifies recovery strategy (road map)
- Identifies key tasks and partners
- Establishes measurable recovery criteria
- Estimates time and costs to get to recovery



Recovery Plan - 1995

RECOVERY PLAN

Louisiana Black Bear (*Ursus americanus luteolus*)



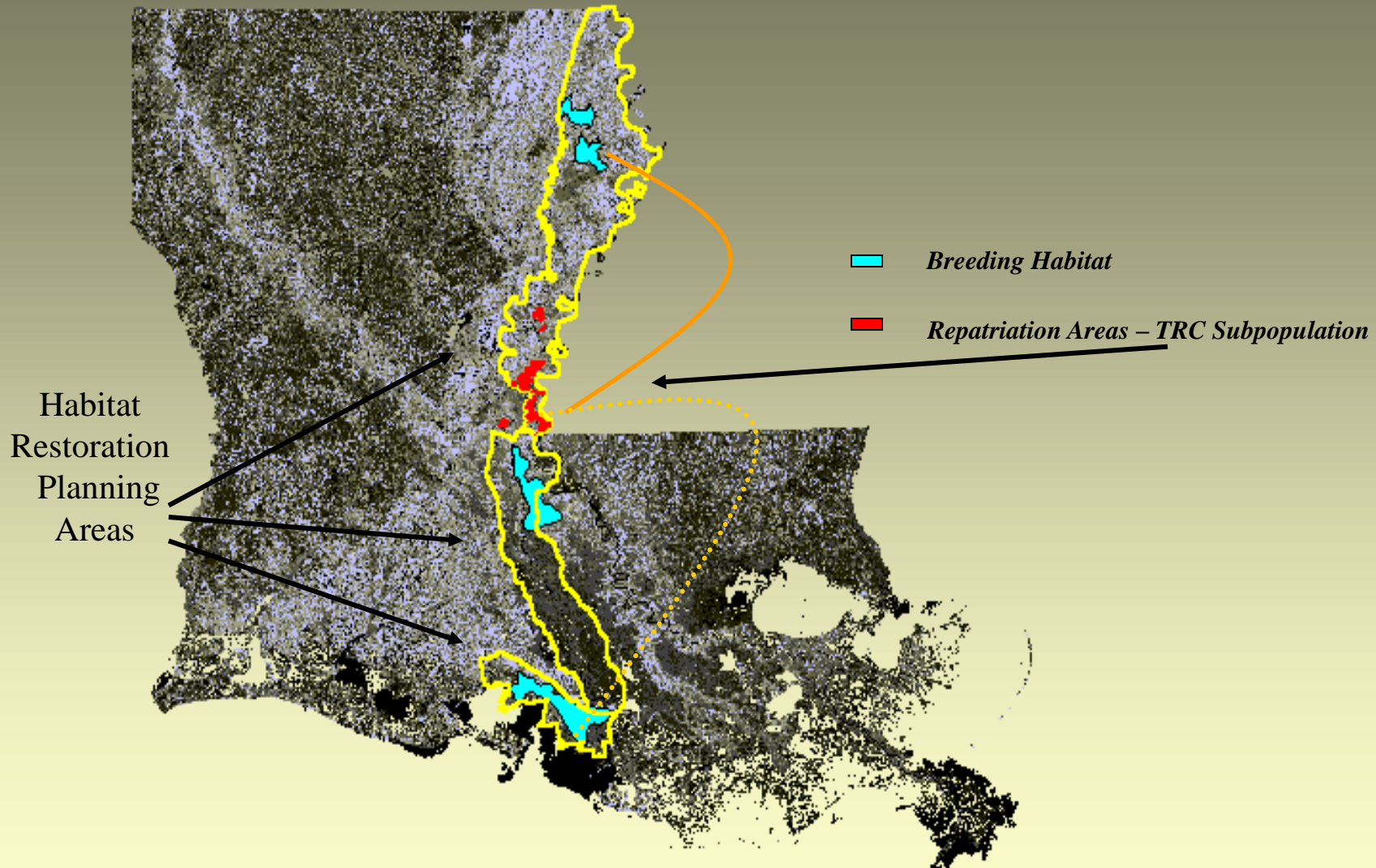
U.S. Fish and Wildlife Service
Southeast Region
Atlanta, Georgia

- Developed with stakeholders, a subset of the BBCC Restoration Plan for the Black Bear

Restoring that habitat with interconnecting corridors between fragments, increasing habitat quantity and quality.

Other recovery tasks include: public education, managing populations, collecting biological information, reducing human-related mortality and monitoring the effectiveness of those actions.

Repatriation Project – new subpopulation



- *Relocation of 48 females with 104 cubs*
- *Focused Habitat Restoration*

Recovery to Delisting ESA Section 4

Assess recovery criteria in the species' recovery plan.

Begin delisting process (removing a species from ESA protection). Reverse of listing process.

Demonstrate reduction or elimination of threats (5 Factors) and no new factors.

Publish notice in the *Federal Register* and seek public comment on the proposal to delist.

Monitor recovered species for a minimum of five years.



Photo by Clint Turnage

In making this decision, the Service conducted a thorough review based on these factors using the best scientific and commercial information available.

We are basing our review on:

- The many studies of the Louisiana black bear's biology, taxonomy, denning ecology, nuisance behavior, movements, habitat needs, reintroduction efforts, and public attitudes (primarily in Louisiana, but also Mississippi and Texas).
- Since 2006, studies have focused on population vital statistics for individual subpopulations such as abundance and growth.



Recovery => Delisting - Section 4 of ESA

- Most recently Laufenberg and expanded the results of those studies and also conducted genetic structure connectivity studies to examine the viability and connectivity of the Louisiana black bear.
- Available published information on land use trends.
- Our analyses of geospatial data such as habitat types and land ownership.

Louisiana Black Bear – Recovery

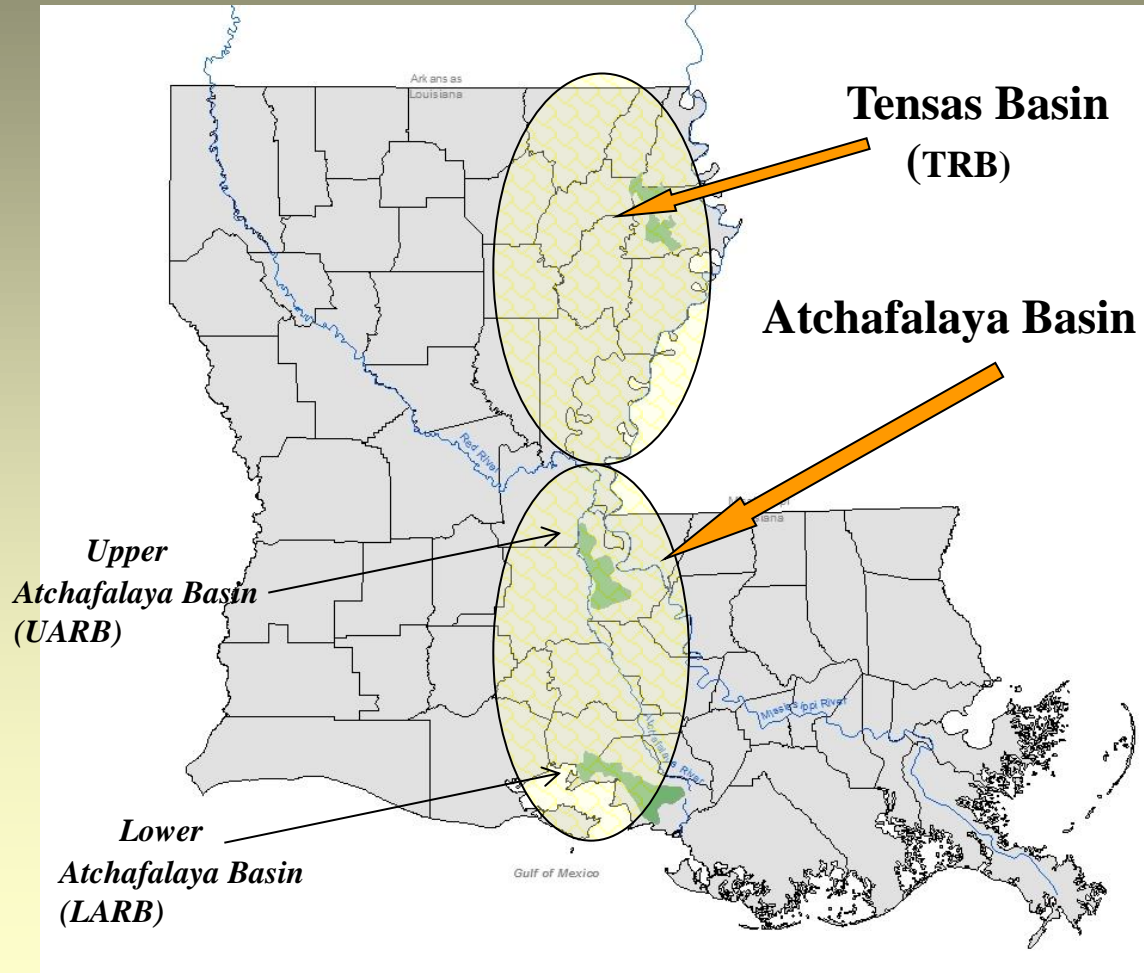
Recovery Criteria

- At least 2 viable populations, one each in Tensas and Atchafalaya River Basins
- Immigration and emigration corridors between the 2 viable populations
- Long-term protection of the habitat and interconnecting corridors that support each of the 2 viable populations used as justification for delisting



Recovery Criteria -1

At least 2 viable populations, one each in Tensas and Atchafalaya River Basins



Recovery Criteria 1

At least 2 viable populations, one each
in Tensas and Atchafalaya River Basins

Subpopulation Summaries

	Tensas River Basin		Upper Atchafalaya River Basin		Lower Atchafalaya River Basin		Three Rivers Complex	
	1992-3 ²	2014 ³	1992-3 ²	2014 ³	1992-3 ²	2014 ³		
Estimated Population Number ¹	40-50	266 to 321	30 to 50	50 to 88	30	136 - 194	none	Unknown ⁴
Trend (2014)	Stable to Increasing		Stable to Increasing		Increasing			
Long-term Viability (100years)	0.96 to 1.00		0.85 to 0.99		Not Available		0.295 to 0.999	

¹ Male and females.

² Nowak, R.M. 1986. *Status of the Louisiana black bear. Special Report. To U.S. Fish and Wildlife Service.*

³Laufenberg, J.S. and Clark, J.D. 2014. *Population viability and connectivity of the Louisiana black bear (Ursus americanus luteolus).* U.S. Geological Survey Open-File Report 2014-1228, 104 pp.

⁴ From 2001-2009 48 females and 104 cubs were reintroduced in the TRC

Recovery Criteria -1

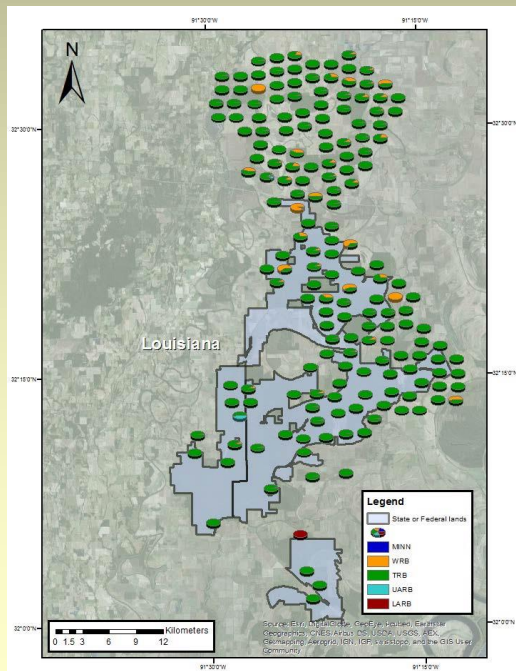
At least 2 viable populations, one each in Tensas and Atchafalaya River Basins

- *Long-term viability of the TRB and the UARB subpopulations were greater than 95 percent except for the two most conservative models for the UARB*
- *The most conservative combined viability analysis of the TRB, UARB, and TRC show the Louisiana black bear metapopulation (TRB, TRC, and UARB) to have an overall long-term probability of persistence of approximately 100 percent (0.996).*

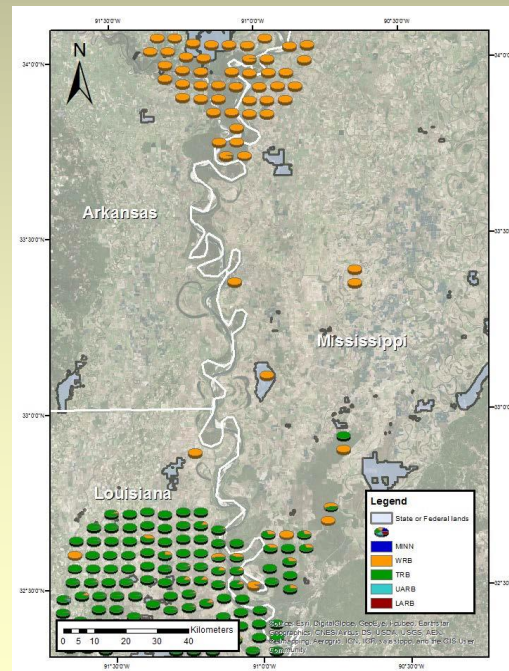
Recovery Criteria -2

Immigration and emigration corridors between the 2 viable populations

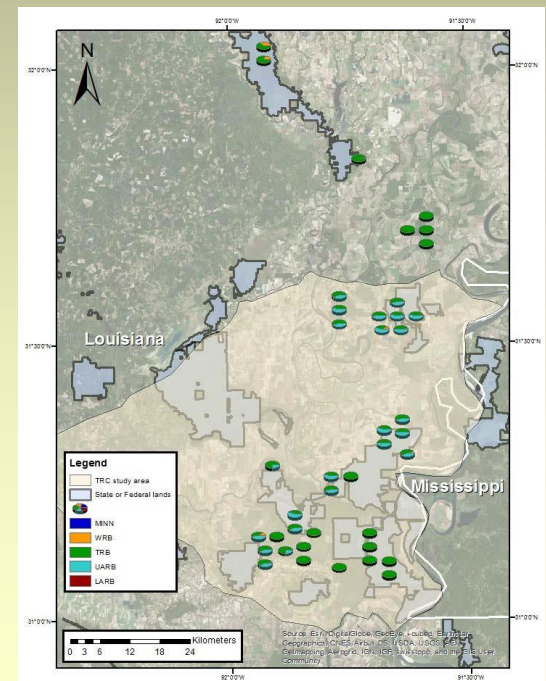
	Tensas River Basin	Upper Atchafalaya River Basin	Lower Atchafalaya River Basin	Three Rivers Complex
Subpopulation Interchange	From: WRB, TRC, UARB via the TRC To: MS	To: TRC, TRB via TRC, MS	None Documented	From: UARB, WRB To: TRB



Tensas River Basin



Tensas & Arkansas

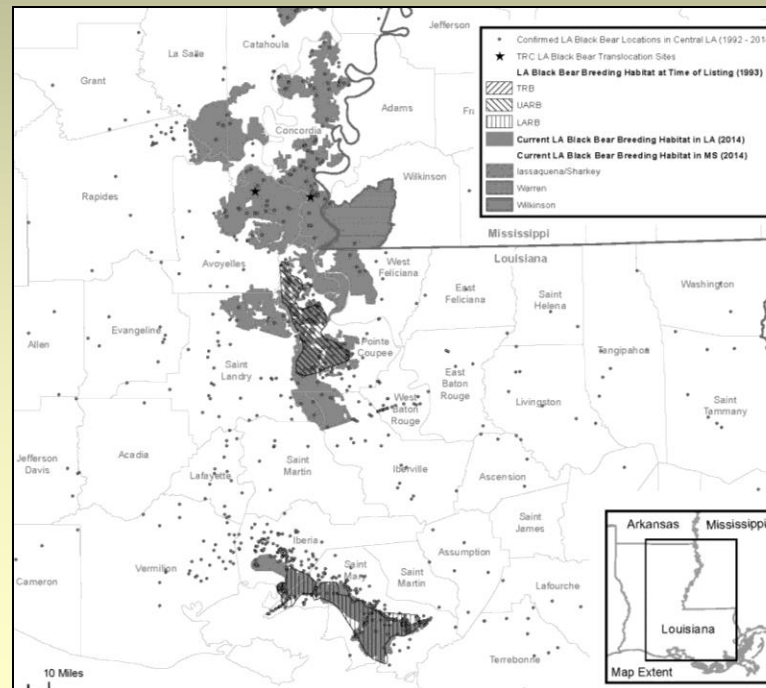


Three Rivers Complex

Recovery Criteria -2

Immigration and emigration corridors
between the 2 viable populations

	Tensas River Basin	Upper Atchafalaya River Basin	Lower Atchafalaya River Basin	Three Rivers Complex
Subpopulation Interchange	From: WRB, TRC, UARB via the TRC To: MS	From: TRC, To: TRC, TRB via TRC, MS	None Documented	From: UARB, WRB To: TRB



Recovery Criteria -2

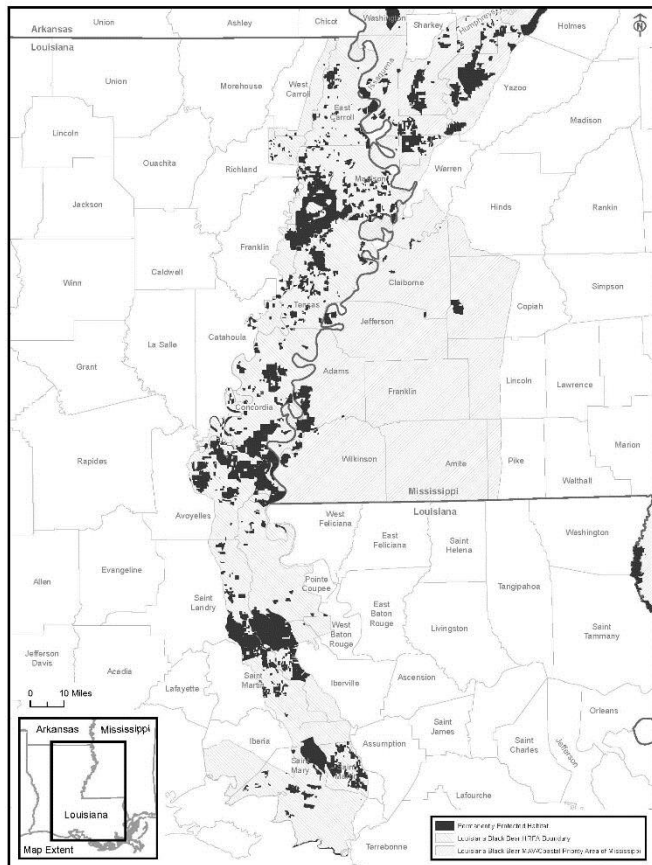
Immigration and emigration corridors between the 2 viable populations

	Tensas River Basin		Upper Atchafalaya River Basin		Lower Atchafalaya River Basin		Three Rivers Complex	
	1992-3 ²	2014 ³	1992-3 ²	2014 ³	1992-3 ²	2014 ³	1992-3 ²	2014 ³
Estimated Subpopulation Number ¹	40-50	266 to 321	30 to 50	50 to 88	30 to 50	136 to 194	none	Unknown ⁴
Trend (2014)	Stable to Increasing		Stable to Increasing		Increasing			
Long-term Viability (100 years)	0.96 to 1.00		0.85 to 0.99		Not Available		0.295 to 0.999	
Subpopulation Interchange	From: WRB, TRC, UARB via the TRC To: MS		To: TRC, TRB via TRC, MS		None Documented		From: UARB, WRB To: TRB	

Recovery Criteria -3

Long-term protection of the habitat and interconnecting corridors that support each of the 2 viable populations used as justification for delisting

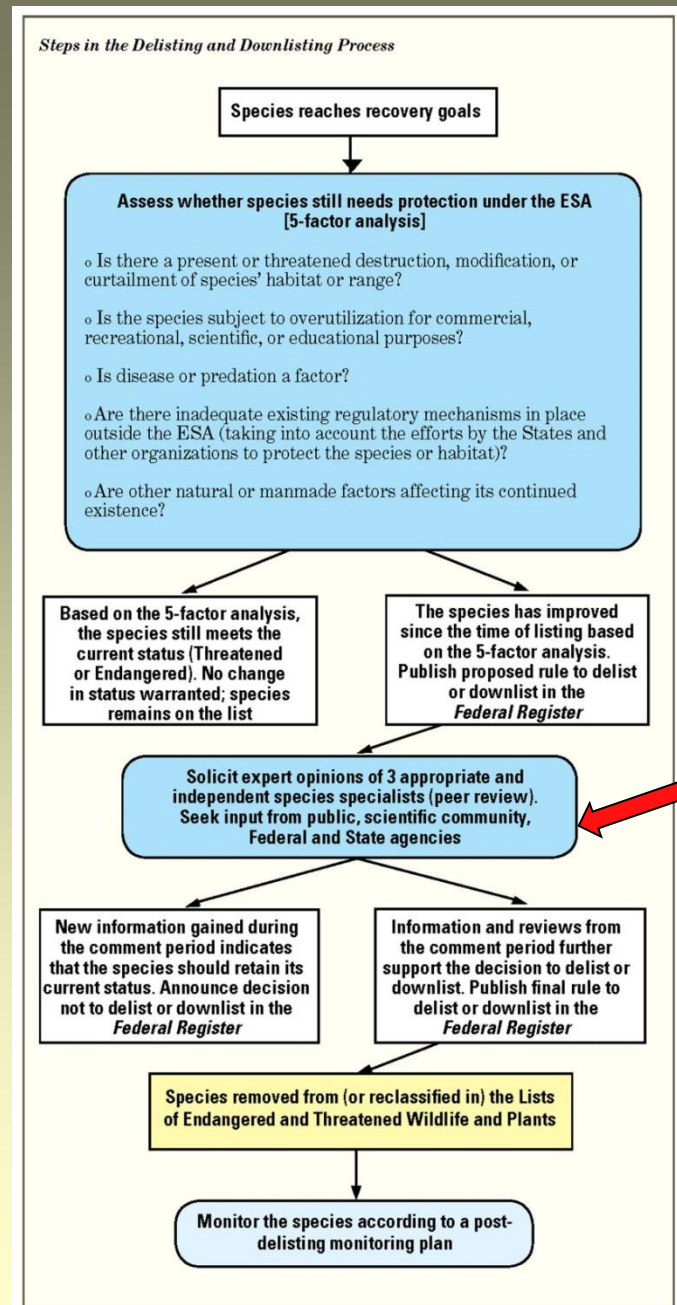
Table 3. Total area (NWRs, WMAs, WRPs, Corps lands, Farmers Home Administration [FmHA] Easement tracts, and wetland mitigation banks) within Louisiana Black bear breeding habitat and the Louisiana Black Bear HRP within Louisiana (ac [ha]).



	Tensas River Basin ¹	Upper Atchafalaya River Basin ³	Lower Atchafalaya River Basin ³	Total ³
Louisiana black bear breeding range	1,002,750 [405,799]	290,263 [117,465]	130,839 [52,949]	1,423,853 [576,213]
Permanently protected Louisiana black bear breeding range ²	493,639 [199,769]	91,880 [37,182]	7,614 [3,081]	593,133 [240,032]
Percent of Louisiana black bear breeding range that is permanently protected ²	49.2	31.7	5.8	41.7
Louisiana black bear HRP	2,054,811 [831,553]	1,200,844 [485,964]	366,001 [148,115]	3,621,656 [1,465,632]
Permanently protected habitat within the Louisiana black bear HRP	408,400 [165,274]	217,936 [88,195]	11,573 [4,683]	637,909 [258,152]
Percent of the Louisiana black bear HRP that is permanently protected	19.9	18.1	3.2	17.6

Five Factor Analyses or (Threats) Analyses

1. Present or threatened destruction, modification, or curtailment of the species' range or habitat
2. Over-use for commercial, recreational, scientific, or educational purposes
3. Disease or predation
4. Inadequacy of existing regulatory mechanisms
5. Other natural or man-made factors affecting its continued existence



Factor A. Present or threatened destruction, modification, or curtailment of the species' range or habitat

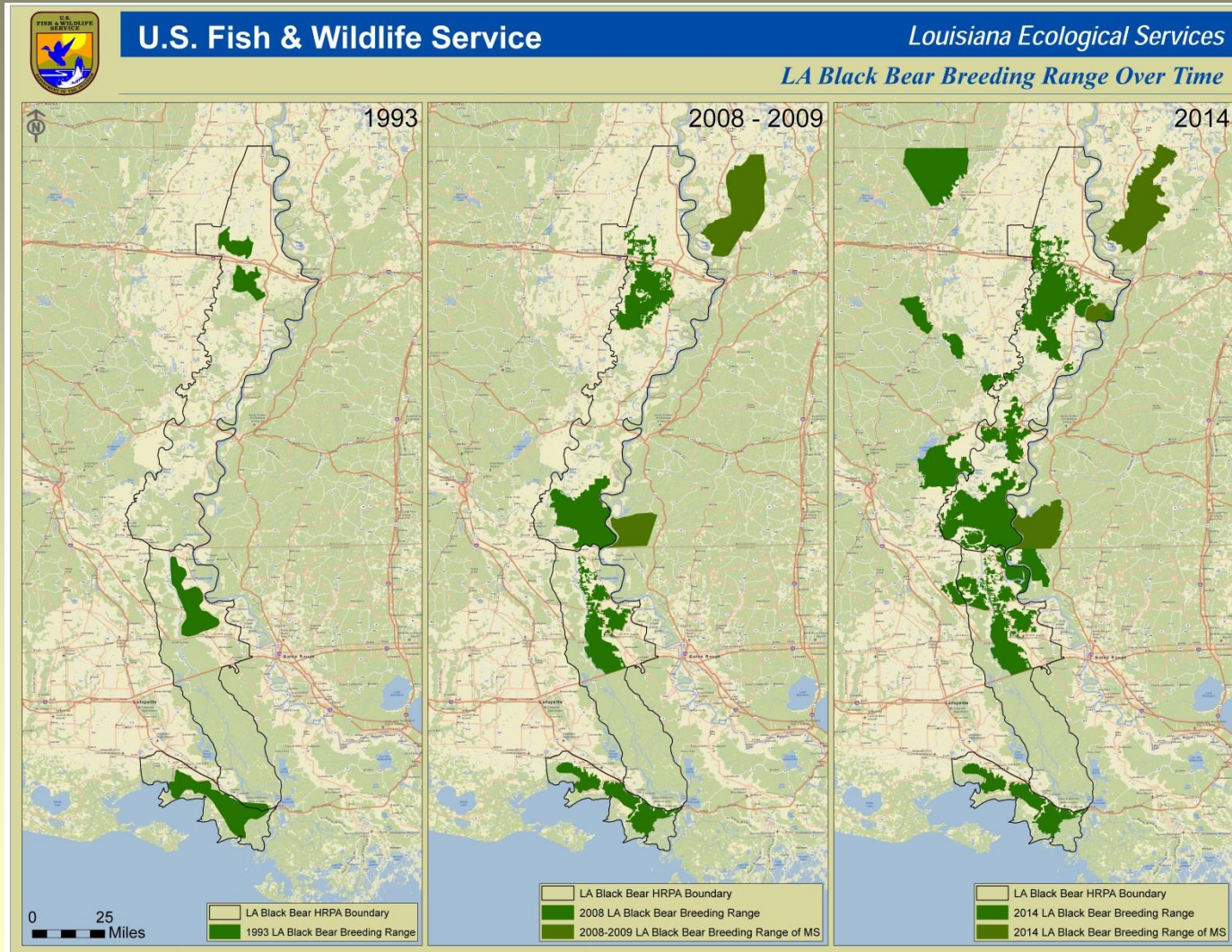
BREEDING RANGE EXPANSION

Estimated area supporting Louisiana black bear breeding subpopulations (shown in acres and [hectares]) in 1993 and 2014 (habitat is listed in acres and hectares. In addition, numbers in each table may not total due to rounding.).

Breeding Range	Tensas River Basin ¹	Upper Atchafalaya River Basin ²	Lower Atchafalaya River Basin ³	Louisiana Total	Mississippi Total ³	Total
1993	84,402 [34,156]	111,275 [45,031]	144,803 [58,600]	340,480 [137,787]	0	340,480 [137,787]
2014	1,002,750 [405,798]	290,263 [117,465]	130,839 [52,949]	1,423,853 [576,213]	382,703 [154,875]	1,806,556 [731,087]

Factor A. Present or threatened destruction, modification, or curtailment of the species' range or habitat

BREEDING RANGE EXPANSION



Factor A. Present or threatened destruction, modification, or curtailment of the species' range or habitat

INCREASED HABITAT PROTECTION AND RESTORATION

Public Lands within the HRP

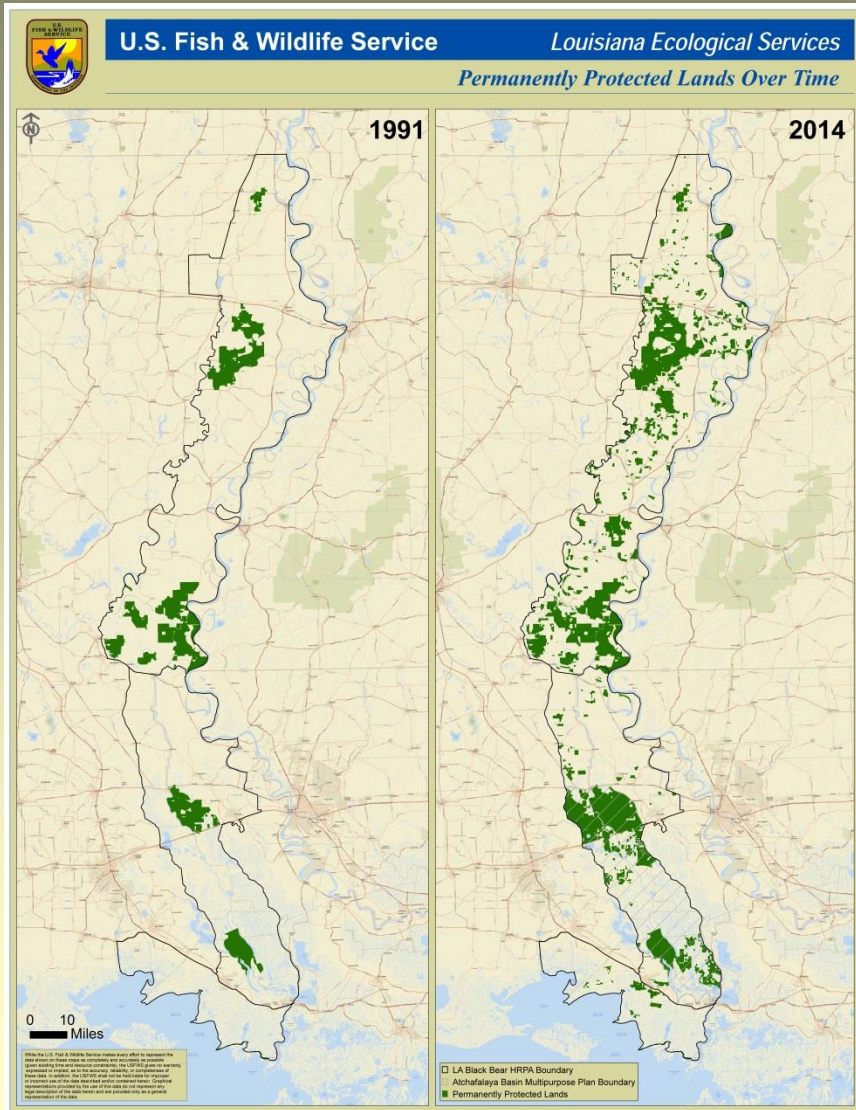
	Tensas River Basin	Upper Atchafalaya River Basin	Lower Atchafalaya River Basin	Totals
1991	85,000 [34,398]	141,000 [57,060]	1,200 [486]	227,200 [91,945]
2014	252,899 [103,559]	226,037 [91,476]	8,900 [3,602]	480,836 [194,588]
Change	+167,899 [69,161]	+85,037 [34,416]	+7,700 [3,116]	+ 253,636 [102,634]

Private lands in the Wetland Reserve Program

	Tensas River Basin ¹	Upper Atchafalaya River Basin	Lower Atchafalaya River Basin	Total
Breeding Range ²	90,198 [36,502]	6,500 [2,630]	0 0	96,698 [39,132]
HRPA	136,870 [55,389]	11,530 [4,666]	0 0	148,400 [60,055]

Factor A. Present or threatened destruction, modification, or curtailment of the species' range or habitat

Permanently Protected Lands within the HRP



Habitat Trends

1. Significant removal of land from agricultural production to hardwood establishment in last 30 years (*Gardiner and Oliver 2005, Oswalt 2013*).
2. Atchafalaya Basin: 94,000 ac of permanent easements and 47,400 ac direct acquisition are under protection.
3. Protection via Section 404 of the CWA.
4. Pressure from human population growth expected to decline.

Factor B. Over-use for commercial, recreational, scientific, or educational purposes

- Only 10 mortalities (*8-LA and 2-MS*) incidental to research have been recorded since 1992.
- Fifteen euthanizations due to conditioning to anthropogenic food sources and subsequent human habitation have been documented.
- Black bears would remain protected by state laws if delisted.
- No regulated harvest occurring after delisting would be allowed if it compromises Louisiana black bear sustainability (*LDWF 2014 Management Plan*)

Factor C. Disease or predation

There is no evidence that disease and predation, while known to occur, presents a threat to the Louisiana black bear population.

Factor E. Inadequacy of existing regulatory mechanisms

- Louisiana black bears are currently, and will continue to be, protected from taking, possession, and trade by State laws throughout their historical range.
- Regulatory mechanisms that currently protect Louisiana black bear habitat through conservation easements or ownership by State and Federal agencies will remain in place. This includes:
 - WRP tracts
 - WMAs, NWRs, and FmHAs
 - Corps easements in the Atchafalaya and Morganza Floodways).
- Forested wetlands not publicly owned or encumbered by conservation easements receive protection through Section 404 of the CWA and the “Swampbuster” provisions (ratio of wetland habitat gains from compensatory mitigation to wetland habitat losses attributed to permitted projects is 6:1).

Factor E. Other natural or man-made factors affecting its continued existence

- Based on recent genetic studies, the effects of Minnesota bear reintroductions, do not represent a threat to the Louisiana black bear.
- Approximately 13 bears per year have succumbed to anthropogenic causes (e.g., poaching, vehicle strikes, and nuisance bear management) of mortality since 1992 in Louisiana (*Davidson et al. 2015*) and approximately 1 bear per year in Mississippi (*Rummel 2015*).
- The Service estimated over 35,000 ac of lakes and cypress-tupelo swamps in the Atchafalaya Basin would convert to higher elevation forests (better habitat) within the ARB by the year 2030 (LeBlanc et al. 1981).

Factor E. Other natural or man-made factors affecting its continued existence

- Climate Effects in Coastal Areas: Over 80 percent of the Louisiana black bear HRPAs, 90 percent of Louisiana black bear breeding habitat, and 70 percent of the Louisiana black bear population occur outside of the Louisiana Coastal Zone.
- The effects of climate change are not threats based on the species' adaptability, mobility, and demonstrated resiliency in regard to extreme climatic events (e.g. Morganza Spillway Opening).

SUMMARY

- Recovery criteria have been met for the bear.
- Our review of the status of this subspecies also shows that the threats to the subspecies have been eliminated or reduced, and adequate regulatory mechanisms exist.
 - The 4 main subpopulations of this bear (TRB, TRC, UARB, and LARB) are stable or increasing in numbers and range.
 - The Louisiana black bear metapopulation (TRB, UARB, and TRC) has an estimated probability of long-term persistence (more than 100 years) of 0.996 under the most conservative scenarios.
 - Movement of bears between several of the subpopulations has been documented.
 - Regulatory mechanisms that currently protect Louisiana black bear habitat through conservation easements or ownership by State and Federal agencies will remain in place.

SUMMARY

- Trends in conversion of habitat to agriculture have reversed and a large portion of habitat (an increase of over 430 % since the time of listing) supporting breeding subpopulations has been protected or restored.
- Anthropogenic sources of mortality (e.g., poaching, vehicle strikes, and nuisance bear management) do not represent significant threats to the Louisiana black bear population.
- The effects of climate change are not threats to the Louisiana black bear population based on the species' adaptability, mobility, and demonstrated resiliency in regard to extreme climatic events.

Our conclusion based on our evaluation is that this subspecies no longer meets the definition of a threatened species under the ESA.

Draft Post-Delisting Monitoring (PDM) Plan

If the Louisiana black bear is delisted, will it continue to be monitored by the Service and other organizations?

YES

The Service and LADWF have developed a “draft” post delisting monitoring plan for this animal for 7 years (longer than the minimum required by the ESA).

The draft document includes monitoring strategies, methods, reporting procedures, and agency responsibilities in evaluating the bear and its habitat.

The draft PDM plan is designed to detect declines in bear populations and has threshold triggers that would allow corrective action to be taken.

If this action is made final, it is not an irreversible commitment. If a substantial threat is identified during PDM, the Service would evaluate it and if deemed necessary, re-propose the species under the ESA.

In addition to speaking at this hearing, you may submit comments on the proposed rule by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>.

Search for Docket No. FWS-FWS-R4-ES-2015-0014. You may submit a comment by clicking on “Comment now!” Please ensure that you have found the correct rulemaking before submitting your comment.

U.S. mail or hand-delivery: Public Comments Processing,
Public Comments Processing, Attn: Docket Number, FWS-R4-ES-2015-0014; U.S. Fish and Wildlife Service; Headquarters, ABHC-PPM, 5275
Leesburg Pike, Falls Church, VA 22041-3803.

Pick up a business card at the registration table for addresses.

ALL COMMENTS on the proposed rule and draft
PDM plan ARE DUE BY CLOSE OF BUSINESS

JULY 20, 2015